

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371U.S. APPLICATION NO.
60/047,724INTERNATIONAL APPLICATION NO.
PCT/US98/10685INTERNATIONAL FILING DATE
May 27, 1998PRIORITY DATE CLAIMED
May 27, 1997

TITLE OF INVENTION

THE USE OF A NITROXIDE OR A PRODRUG THEREOF IN THE PROPHYLACTIC AND THERAPEUTIC TREATMENT OF CANCER

APPLICANT(S) FOR DO/EO/US

MITCHELL, James B.; RUSSO, Angelo; DELUCA, Anne Marie; CHERUKURI, Murali Krishna

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) now rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendment to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ A copy or translation of the Amendments made by the Applicant during PCT Chapter II, which are attached as Annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 17 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 (4 Pages), including 1449 Form (1 Page), copies of four cited references and international search report (3 Pages).
12. ☐ An assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ A verified small entity statement.
17. ☒ Other items or information:
Copy of International Preliminary Examination Report and Annexes attached thereto (8 Pages).

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5931

09/424519

18. ☒ The following fees are submitted:**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO \$ 840.00

International preliminary examination fee paid to USPTO \$ 670.00

No international preliminary examination fee paid to USPTO, but
international search fee paid to USPTO \$ 760.00Neither international preliminary examination fee nor international
search fee paid to USPTO \$ 970.00International preliminary examination fee paid to USPTO and all
claims satisfied provisions of PCT Article 33(1) to (4)..... \$ 96.00**ENTER APPROPRIATE BASIC FEE AMOUNT=**

CALCULATIONS

PTO USE ONLY

\$840.00

\$840.00

Surcharge of \$130.00 for furnishing the National fee or oath or declaration later than ☐ 20 ☐
30 months from the earliest claimed priority date

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total Claims	27 -20=	7	x \$ 18.00
Independent Claims	1 - 3 =	0	x \$ 78.00
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)			+\$260.00

\$126.00

\$0

\$

TOTAL OF ABOVE CALCULATIONS=

\$966.00

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must
also be filed.

\$

SUBTOTAL=

\$966.00

Processing fee of \$130.00 for furnishing English Translation later than ☐ 20 ☐ 30 months
from the earliest claimed priority date.

\$

TOTAL NATIONAL FEE=

\$966.00

Fee for recording the enclosed assignment. The assignment must be accompanied by an
appropriate cover sheet. \$40.00 per property +

\$

TOTAL FEE ENCLOSED=

\$966.00

Amount to be:
refunded \$

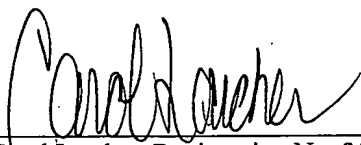
charged: \$

- a. ☒ A check in the amount of \$966.00 to cover the above fee is enclosed.
- b. ☐ Please charge Deposit Account No. 12-1216 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)


Carol Larcher, Registration No. 35,243
One of the Attorneys for Applicant(s)

11/23/99

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420 Rec'd PCT/PTO 23 NOV 1999

09/42451

CERTIFICATION UNDER 37 C.F.R. § 1.10

"Express Mail" Label Number: EL190830868US

Date of Deposit: November 23, 1999

I hereby certify that this express request to begin national examination procedures under 35 U.S.C. § 371(f) of the International Patent Application referenced above, including all of the items listed thereon as enclosures, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Box PCT, Assistant Commissioner for Patents, Attention: DO/EO/US, Washington, D.C. 20231.

Becky Williams

Printed Name of Person Signing

Becky Williams

Signature